

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

DEBRA L. FINLEY,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

Civil No. C15-5069 RSM

ORDER

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's applications for disability insurance benefits and supplemental security income payments under Titles II and XVI of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for further administrative proceedings before an Administrative Law Judge, a de novo hearing, and a new decision. On remand, the ALJ will reevaluate the medical opinion evidence, including the opinions of Dr. Oakes and Dr. Lloyd; reevaluate Plaintiff's credibility; and reconsider whether Plaintiff can perform her past relevant work at step four. In light of Plaintiff's application for Supplemental Security Income Benefits, as well as the fact that Plaintiff's date last insured post-dated the ALJ's decision, the

1 ALJ should also update the medical record and reconsider her other findings in light of the
2 expanded record. If Plaintiff is unable to perform her past relevant work, the ALJ will proceed
3 with the sequential evaluation process and consider whether Plaintiff can perform other work,
4 obtaining vocational expert testimony, if necessary.

5 This Court hereby reverses the Commissioner's decision under sentence four of 42
6 U.S.C. §405(g) with a remand of the case to the Commissioner for further proceedings. *See*,
7 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991). Plaintiff will be entitled to reasonable attorney fees
8 and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d), upon proper request
9 to this Court.

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11 DATED this 30th day of July 2015.

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14 RICARDO S. MARTINEZ
UNITED STATES DISTRICT JUDGE

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18 Presented by:

19 s/ Jeffrey R. McClain
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22 Office of the General Counsel
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